



# PUBLIC NOTICE

**US Army Corps  
of Engineers®**

APPLICATION FOR PERMIT

*LOS ANGELES DISTRICT*

**Public Notice/Application No.:** 200401932- DLC

**Comment Period:** October 22, 2004 through November 22, 2004

**Project Manager:** Deanna L. Cummings email: [deanna.l.cummings@usace.army.mil](mailto:deanna.l.cummings@usace.army.mil)

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**Applicant**

Don Ballard  
Desert Cove Golf Resort, LLC  
44832 San Luis Rey  
Palm Desert, California 92260  
(760) 341-3757

**Contact**

John Criste  
Terra Nova Planning and Research, Inc.  
400 South Farrell, Suite B-205  
Palm Springs, California 92262  
(760) 320-9040

**Location**

The proposed development would be constructed in, and adjacent to the Whitewater River in Cathedral City, Riverside County, California (at: lat:33-46-47.2080 lon:116-27-14.1120).

**Activity**

The applicant, Desert Cove Golf Resort, LLC, proposes to construct the Desert Cove Golf Course (Desert Cove) in Cathedral City, with impacts to the Whitewater River (see attached drawings). For more information see page 3 of this notice.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch  
ATTN: CESPL-CO-R-200401932-  
P.O. Box 532711  
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: [deanna.l.cummings@usace.army.mil](mailto:deanna.l.cummings@usace.army.mil)

## **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## **Preliminary Review of Selected Factors**

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

**Coastal Zone Management-** This project is located outside of the coastal zone and will not affect coastal zone resources.

**Cultural Resources-** The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species-** The Corps is determining whether the project may have impacts to Peninsular Bighorn Sheep. If the Corps makes a determination that the project "may affect" the Peninsular Bighorn Sheep, consultation under Section 7 of the Endangered Species Act would be required.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

**Basic Project Purpose-** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. Water dependency is determined by whether the activity needs to occur within waters of the U.S. For example, dock construction and placement would be water dependent. Housing is not water dependent. The basic project purpose for the proposed project is to construct a golf course and associated facilities, a non-water dependent activity.

**Overall Project Purpose-** The overall project purpose is determined by further defining the basic project purpose to describe the applicant's specific project, and serves as the basis for the Corps' 404(b)(1) alternatives analysis. The overall project purpose for the proposed project is to construct a golf course within the sphere of influence of Cathedral City, California.

**Need -** The applicant proposes the project to enhance the urban setting of the downtown Cathedral City area, and the applicant and the City consider the project to be a key component of the downtown area's redevelopment.

The applicant proposes to construct an 18-hole golf course with a driving range, starter shack, clubhouse, and a maintenance facility. The proposed project would be constructed on 227 acres, including 48.6 acres of waters of the U.S. in the Whitewater River and tributaries. The project area would include the use of 157 acres for the golf course and driving range, 3 acres for the clubhouse and associated facilities, 1 acre for the maintenance facility, 56 acres of wash to be undisturbed, 2 acres of the North Cathedral Canyon Channel to remain undisturbed, 2 acres of fill, and approximately 6 acres of vacant commercial land.

### **Additional Project Information**

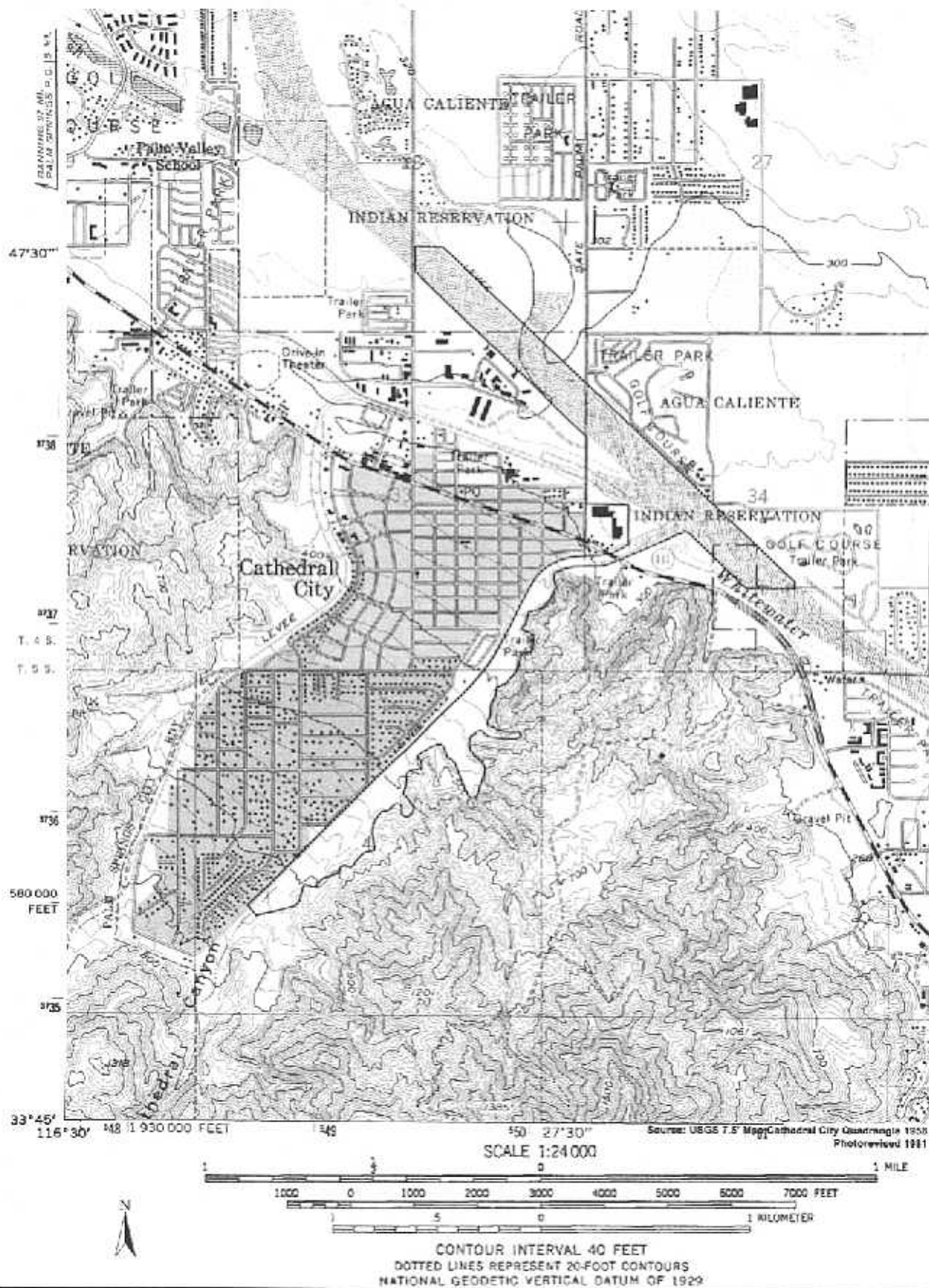
**Alternatives -** The applicant has suggested the following alternatives for analysis:

1. The No Federal Action Alternative - This alternative would presume the proposed project would not be constructed. The Corps' scope of analysis for this project has been determined to include the entire project area, due to the location of the project site in relation to waters of the U.S. Therefore, the no federal action alternative would preclude the entire project from being constructed, as opposed to being limited to no impacts to waters of the U.S.
2. The Preferred Project - Described above.
3. More Intense Land Use - The applicant proposed this alternative to include all the components of the preferred project. Additionally, the project would develop approximately 38 acres within East Cathedral Canyon to lengthen the Canyon Course. Additional impacts to waters of the U.S. would occur as a result of this alternative.
4. Less Intense Land Use - The applicant proposed this alternative to include all the components of the preferred alternative except for the driving range. The number of acres within the project area to be developed would be reduced by approximately 40 acres, some of which would be upland and some of which would be waters of the U.S.

### **Proposed Special Conditions**

No special conditions are proposed at this time. However, the Corps may include special conditions in the final permit that may be developed during the evaluation of the application package.

For additional information please call Deanna L. Cummings of my staff at (213) 452-3289. This public notice is issued by the Chief, Regulatory Branch.



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Planning & Research, Inc.

Desert Cove Golf Resort  
Project Vicinity Map  
City of Cathedral City



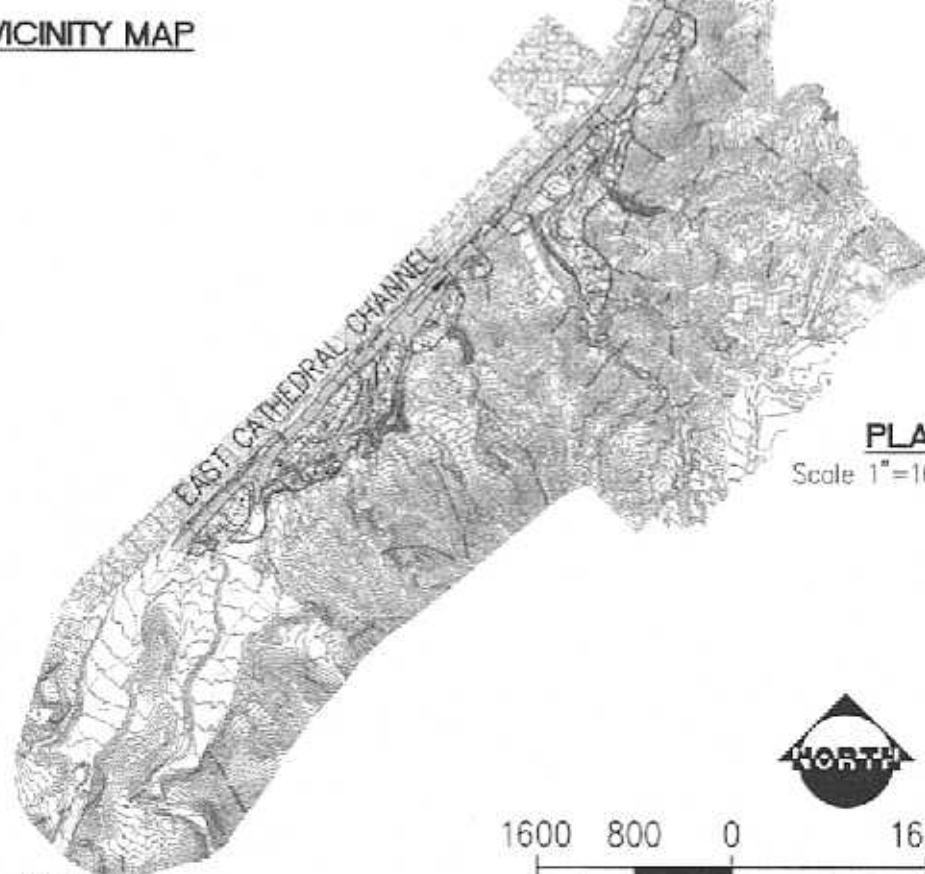
Exhibit

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**VICINITY MAP**



Source: Pacific Advanced Civil Engineering



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Desert Cove Golf Resort  
Project Location Map  
City of Cathedral City



Exhibit

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